

**Masterton, Carterton and South
Wairarapa District Councils**

Proposed Wairarapa Combined District Plan

Decisions of the Hearings Panel

Decision Report 4

Hearing Stream 4: Māori Purpose Zone

8 October 2025

This report contains the Panel's decisions on submissions addressed as part of **Hearing Stream 4**, namely those submissions on the **Māori Purpose Zone** within the Special Purpose Zones in **Part 3** of the Proposed Plan.

This report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: Summary table of decisions on each submitter point

Appendix 3: Amendments to the Proposed Plan – Tracked from notified version (provisions not subsequently renumbered)

Appendix 4: Amendments to the Proposed Plan provision wording – Accepted (provisions renumbered as they will appear in the Decisions Version of the Plan)

This report should be read in conjunction with the **Index Report, Decision Report 1** in relation to **Strategic Direction Objectives, Decision Report 2 in relation to Urban and Open Space Zones, Decision Report 3** in relation to **Rural Zones** and **Decision Report 5** in relation to the **Sites and Areas of Significance to Māori** and **Decision Report 11** in relation to the rezoning requests.

The Independent Hearings Panel for the purposes of **Hearing Stream 4** comprised Commissioners David McMahon (Chair), Kereana Sims, Robyn Cherry-Campbell, Brian Jephson, Jo Hayes, Frazer Mailman, Brian Deller, and Alistair Plimmer.

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1 Introduction

Report outline and approach

- 1.1 This is **Decision Report Four** of 12 Decision Reports prepared by the Hearings Panel appointed to hear and make decisions on submissions to the Proposed Wairarapa Combined District Plan (PDP).
- 1.2 This report contains the Panel's decisions on submissions addressed as part of Hearing Stream 4, namely, those submissions on the **Māori Purpose Zone (MPZ)** within the Special Purpose Zones in **Part 3** of the Proposed Plan.
- 1.3 We have structured our discussion on these topics as follows:
 - a. **Section 2** addresses general contextual and background matters in relation to the **Māori Purpose Zone** development and matters that informed our decision making but were not determinative matters in themselves. The following are set out in the preamble:
 - i. *What is covered in the new zone chapter;*
 - ii. *The engagement process of the zone development;*
 - iii. *The implication of the NPS-HPL on the Māori Purpose Zone; and*
 - iv. *The Strategic Direction Objectives that the PDP sets out with respect to the MPZ.*
 - b. **Section 3** addresses the submissions on the **Māori Purpose Zone**.
- 1.4 In **Section 3**, we:
 - i. provide a summary of the relevant issue or provisions;
 - ii. provide a brief overview of submissions received on the topic;
 - iii. identify the key issues raised in submissions for our subsequent evaluation; and
 - iv. evaluate the key issues remaining in contention and set out our decisions.
- 1.5 **Section 4** provides an overall set of conclusions on matters addressed as part of Hearing Stream 4.
- 1.6 This Decision Report contains the following appendices:
 - a. **Appendix 1: Schedule of attendances** at the hearing on the relevant topics. We refer to the parties concerned and the evidence they presented throughout this Decision Report, where relevant.
 - b. **Appendix 2: Summary table of decisions on each submission point.** For each submission point and further submission point we provide a decision as to whether it is accepted or rejected.
 - c. **Appendix 3: Amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we determined to be made to the

PDP provisions relating to the relevant topics. The amendments show the specific wording of the amendments we have determined and are shown in a 'tracked change' format showing changes from the notified version of the PDP for ease of reference.

Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Decision Reports. New whole provisions are prefaced with the term 'new' and deleted provisions are shown as struck out, with no subsequential renumbering in either case. The colour coding used for the different rule status has not been changed. In this version where a list is included within a particular whole provision, and items have been added or deleted from a list the numbering does, however, run as sequential.

d. Appendix 4: Amendments to the Proposed Plan provision wording - Accepted. This accepts all the changes we have determined to the provision wording from the notified version of the PDP as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have added. **Appendix 4** does not include updates to the mapping layer, which can be found in the Decisions Version of the Plan Map Viewer.

- 1.7 The requirements in clause 10 of the First Schedule of the Act and section 32AA of the Act are relevant to our considerations of the submissions to the PDP provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:
- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
 - b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
 - c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our decisions are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes decided.
- 1.8 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Reporting Officers, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments contained within the relevant s42A Reports, Summary Statements and/or Reply Statements. Those reports are part of the public record and are available on the webpage relating to the PDP hearings: <https://www.wairaraplan.co.nz/hearings>
- 1.9 Where our decisions differ from the recommendations of Reporting Officers, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for our amendments, as opposed to including this in a separate table or appendix.
- 1.10 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2. Māori Purpose Zone Context and Background

Higher Order Direction

- 2.1 The Proposed District Plan as notified introduced a new Māori Purpose Zone to align with the requirements of the National Planning Standards. The Māori Purpose Zone was applied to land upon which marae or urupa are located and to all Māori Freehold Land and Māori Customary Land under the Te Ture Whenua Māori Act 1993.¹
- 2.2 The majority of Māori land that is proposed Māori Purpose Zone is located within the Rural (Primary Production) Zone in the Operative District Plan.

Summary of the relevant notified provisions

- 2.3 This new special purpose zone is a standalone chapter with specific objectives, policies and rules for land zoned Māori Purpose Zone. This zone enables a wide range of permitted activities recognising the social, cultural, economic and/or environmental outcomes sought. Permitted activity standards are used to manage effects, particularly at zone interfaces, and seek to achieve compatibility with properties and activities in adjoining zones.
- 2.4 The MPZ is spatially defined on the planning maps and applies to:
- Māori land
 - Pā/Marae/Papakāinga; and
 - associated activities on land owned by Māori
- 2.5 The rationale for the MPZ is set out in detail in the Section 32 Evaluation report.²
- 2.6 The notified Māori Purpose Zone (MPZ) contained the following provisions:
- Four objectives (**MPZ-O1-O4**) addressing:
 - Purpose of the Māori Purpose Zone*
 - Carrying capacity of the land*
 - Exercising kaitiakitanga*
 - Avoiding, remedying, or mitigating adverse effects*
 - Five policies (**MPZ-P1-P5**) addressing:
 - Compatible activities*
 - Potentially compatible activities*
 - Incompatible activities and development*
 - Maintaining character and amenity*
 - Relocatable buildings*
 - Twenty-three rules (**MPZ-R1-R23**) addressing the following land use, building and structure activities:
 - Buildings and structures, including construction, additions, and alterations*
 - Demolition or removal of buildings and structures*
 - Relocatable buildings (excluding any building that is not to be used as a residential unit)*
 - Papakāinga*
 - Marae*
 - Customary activities*
 - Urupā*
 - Home business*

¹ Section 32 Evaluation Topic Report: Māori Purpose Zone, dated October 2023, page 1-2

² [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://cdn.prod.website-files.com/615b81c9bbf626f0003f5c3/651e184865f560e0c59b8cb6_Section%2032%20Report%20MPZ%2020230927.pdf](https://cdn.prod.website-files.com/615b81c9bbf626f0003f5c3/651e184865f560e0c59b8cb6_Section%2032%20Report%20MPZ%2020230927.pdf)

- ix. *Primary production, excluding quarrying activities, intensive primary production, and rural industry*
- x. *Intensive primary production*
- xi. *Conservation activities*
- xii. *Rural produce retail*
- xiii. *Quarrying activities*
- xiv. *Seasonal worker accommodation*
- xv. *Educational facilities, excluding childcare home businesses*
- xvi. *Healthcare activities*
- xvii. *Rural industry*
- xviii. *Commercial activities*
- xix. *Industrial activities*
- xx. *Any other activity not listed in this chapter*

d. Ten standards (**MPZ-S1-S10**) addressing:

- i. *Maximum height*
- ii. *Maximum height in relation to boundary*
- iii. *Minimum setbacks*
- iv. *Maximum fence height*
- v. *On-site services*
- vi. *Drinking water supply*
- vii. *Wastewater disposal*
- viii. *Stormwater management*

The engagement process of the zone development – 'opt in and out'

- 2.7 There was considerable discussion regarding the 'opt in and out' process at the hearing. Mr Wesley explained the Councils' messaging was that landowners could either 'opt in or out' of the Māori Purpose Zone applying to their land through either feedback on the Draft Wairarapa Combined District Plan (2022) and/or the submission process on the notified Proposed District Plan (2023).
- 2.8 Whilst it is not the Panel's role to determine the appropriateness of whether land owners can opt in or out of being zoned MPZ, we do think it appropriate for transparency purposes, to record whether the ability to 'opt in or out' was sufficiently communicated to the public and therefore we considered it important to outline this matter and the process to date in respect of the community input in the development of this new zone.
- 2.9 The 'opt in or out' process also forms important context for our later consideration of submissions seeking additional areas/sites to be added to the MPZ or those opposing the inclusion of areas/sites as notified, but it is not a determinative matter in itself.
- 2.10 We record that the introduction of the zone aligns with the National Planning Standards that includes a Zone Description for the Māori Purpose Zone and seeks to enable pā/marae, papakāinga, and associated activities on land owned by Māori and to enable tangata whenua to provide for their unique social, cultural, environmental, and economic needs within the Districts.
- 2.11 The zone recognises and provides for the relationship of Māori with Māori land as defined in the Te Ture Whenua Māori Act 1993.
- 2.12 Mr Wesley outlined that the MPZ was first publicly socialised through the Draft Wairarapa Combined District Plan, which included the MPZ chapter and associated provisions but did not include the spatial representation of the zone on the planning maps.

- 2.13 At the hearing, Mr Wesley outlined that the spatial representation of the MPZ was initially discussed with iwi entities and mandated organisations through a series of Hui with invitees of Māori landowners prior to a draft plan being produced for engagement with identified stakeholders. However, the spatial identification of the zone was not included in the draft.
- 2.14 The draft plan that was released for feedback, did include reference to how the zone would be spatially applied within the introductory text of the chapter that the MPZ “is intended to enable pā/marae, papakāinga housing, and associated activities on land owned by Māori”.
- 2.15 Somewhat disappointingly, there was limited feedback to the draft District Plan from owners/representatives of the above lands.
- 2.16 On the above basis, the Councils’ decided to include all Māori Freehold Land and Māori Customary Land under the Te Ture Whenua Māori Act 1993 in the MPZ within the notified Proposed District Plan. The Councils’ position being that if a submission was lodged opposing any given property being zoned MPZ, even if the s32 criteria were met, the Councils’ would not pursue zoning the land MPZ. However, if a submission was received seeking inclusion, provided it met the criteria, Councils’ would recommend inclusion.
- 2.17 The public messaging surrounding what lands should be included in the MPZ, and the expectation set by the Councils’ in offering the ‘opt-in’ ‘opt-out’, whilst not being binding under the RMA, it is still a valid consideration for the Panel in weighing up the risks of acting vs not acting when it comes to including or excluding land within the MPZ.
- 2.18 Furthermore, the Panel also acknowledges that the Councils’ have formally signalled at the hearing to landowners that even where they have ‘opted-in’ or ‘opted-out’, in recognition of the timeframes for the District Plan Review and the Proposed District Plan that there is a need for ongoing engagement with owners of Māori Freehold Land and Māori Customary Land. On that basis, the Panel acknowledges that the Councils’ have committed to a Council-led plan change to rezone land in or out of the Māori Purpose Zone within the next three years where landowners are able to seek further amendments to the notified spatial extent.³
- 2.19 Therefore, this additional ‘review step’ gives the Panel a considerable level of comfort in terms of mitigating the risks of acting vs not acting in respect to the submissions seeking changes to the spatial extent of the MPZ, particularly where there is a lack of information to make a determination on the most appropriate option at this stage.

The implication of the NPS-HPL on the Māori Purpose Zone

- 2.20 At the hearing, the Panel sought clarification on how the National Policy Statement for Highly Productive Land impacts the Māori Purpose Zone land.
- 2.21 Mr Wesley responded to this matter in his reply statement.⁴ He explained that Policies 3.8 and 3.9 of the NPS-HPL specifically exclude ‘*Specified Māori land*’, which by the definition contained in the NPS-HPL incorporates all land that has been included in the proposed MPZ.
- 2.22 Therefore, we accept and agree with Mr Wesley’s assessment that the NPS-HPL is not applicable to the MPZ and acknowledge that this is not a determinative matter but one of context to ensure that the Councils’ had duly considered the implications and cross cutting issues of the NPS-HPL.⁵

³ Reply Statement, para 46, dated 11 November 2024

⁴Reply Statement para 14-19, dated 11 November 2024

⁵Reply Statement para 19, dated 11 November 2024

Strategic Direction Objectives in the PDP sets out with respect to the MPZ.

- 2.23 An important consideration of the Panel, throughout the district plan review process has been to ensure that a holistic connection between the Strategic Direction provisions (objectives) and all other sections of the plan. This is an iterative process that we have consistently revisited for each Decision Report to ensure alignment in terms of the planning framework hierarchy.
- 2.24 To this end, a submission⁶ was received in relation to the MPZ that sought the inclusion of a new Strategic Direction Objective in the CCR – Climate Change and Resilience section of the PDP providing support for resilience of Māori landowners.
- 2.25 The Panel raised this matter at Hearing Stream 4 (MPZ) and sought that the s42A officers review the plan to identify any gaps that would better support resilience for Māori landowners and what scope (if any) exists to make any necessary changes. The Panel sought specific direction on this through **Minute 14**.⁷
- 2.26 Mr Wesley provided a response to this request on 28th February 2025.⁸ Mr Wesley maintained his initial view that the Climate Change and Resilience Objectives collectively provide for land and property owners, including owners of Māori land and did not recommend an amendment to the Strategic Direction chapter.
- 2.27 Mr Wesley did however consider that this matter was most appropriately addressed and achieved through the Māori Purpose Zone and not the Strategic Direction Chapter and upon further reflection, he recommended that a new objective be inserted into the MPZ chapter to better align with the outcome sought by the submitter.
- 2.28 However, whilst Mr Wesley generally adopting the wording of the objective as submitted by the Māori Trustee, he recommended some nuanced wording changes to broaden the objective to ensure it was consistent with the Strategic Direction objectives. The wording he settled on was as follows:

"MPZ-OX Adapting to climate change

Owners of land in the Māori Purpose Zone are empowered to become resilient so they can build adaptive capacity using mātauranga Māori, accurate data and information to support informed decision-making in adapting to the effects of climate change.⁹

- 2.29 The Panel considers these wording changes are within the scope of the submission by the Māori Trustee and still address the outcome the submitter was seeking but better provides for better consistency throughout the plan.
- 2.30 The Panel accepts and adopts Mr Wesley's recommendation to insert a new objective in relation to ***adapting for climate change*** within the MPZ, rather than within the Strategic Objectives chapter, however, for fullness we have also addressed this matter in **Decision Report 1** in relation to the Strategic Objectives.
- 2.31 The Panel also considers that in terms of a s32AA Evaluation, the primary outcome the new objective is 'empowering' owners, which would primarily be achieved by mechanisms outside of the District Plan that the recommended changes are the most effective and efficient way of achieving the outcome and no consequential changes are needed to existing policy and rule framework as a result.¹⁰

⁶Māori Trustee (S212)

⁷Minute 14, dated 17 December 2024

⁸Supplementary Reply Statement, Minute 14, dated 28 February 2025

⁹ Supplementary Reply Statement, Minute 14, dated 28 February 2025

¹⁰ Supplementary Reply Statement, Minute 14, dated 28 February 2025

3. General submissions on the Māori Purpose Zone

Overview of submissions

2.32 The quantum of submissions that were received based on provision type is as follows:

- a. Four Objectives – 16 submissions
- b. Five Policies – 12 submissions
- c. Twenty-three Rules – 49 submissions
- d. Ten Standards – 7 submissions

2.33 The submissions received were generally supportive and where amendments were sought, they were generally seeking greater alignment with higher order direction and more enabling provisions.

3.1 A total of 30 original submissions (105 submission points) and three further submissions (eight further submission points) were received on the Māori Purpose Zone. Submissions were generally supportive of the Māori Purpose Zone. Submissions in opposition generally opposed the approach of applying the Māori Purpose zoning to Māori land. Other amendments were sought to support specific outcomes in the zone, to provide for specific activities, or to change permitted levels in standards.

Recommended amendments that the Panel adopts

3.2 Mr Wesney's s42 Report addressed those issues raised and made the following recommended changes that were not contested through evidence or at the hearing and we therefore accept and adopt the following changes and associated s32AA Evaluation, as follows:

- a. Amend the **introduction** to include 'commercial' activities that are anticipated within the zone¹¹
- b. Amend **Objectives MPZ-O1** and **MPZ-O4** to remove the reference to 'ancestral land'¹²
- c. Insert new **Objective MPZ-OX** in relation to climate change¹³
- d. Amend **Policy MPZ-P1** to include 'the National Grid' as a compatible activity¹⁴
- e. Amend **Rules MPZ-R4, R5, R8 and R9**, by inserting permitted activity standard and restricted discretionary activity status¹⁵
- f. Amend **Rules MPZ-R10, R14 and R16** to include an additional permitted standard¹⁶
- g. Insert new **Rule MPZ-RXX** for mining activities as a discretionary activity.¹⁷

¹¹ Including reasons set out in paras 65-66 and s32AA Evaluation paras 84-87 Officer's Section 42A Report – Māori Purpose Zone, dated 14 October 2024

¹² Including reasons set out in paras 94 and s32AA Evaluation paras 106-109 Officer's Section 42A Report – Māori Purpose Zone, dated 14 October 2024

¹³ For the reasons set out above in para 2.23-2.31 of this report and Decision Report 1.

¹⁴ Including reasons set out in paras 119 and s32AA Evaluation paras 130-133 Officer's Section 42A Report – Māori Purpose Zone, dated 14 October 2024

¹⁵ Including reasons set out in paras 148 and s32AA Evaluation paras 187-190 Officer's Section 42A Report – Māori Purpose Zone, dated 14 October 2024

¹⁶ Including reasons set out in paras 157, 162 and 180 and s32AA Evaluation paras 187-190 Officer's Section 42A Report – Māori Purpose Zone, dated 14 October 2024

¹⁷ Including reasons set out in paras 172-175 and s32AA Evaluation paras 187-190 Officer's Section 42A Report – Māori Purpose Zone, dated 14 October 2024

Decisions on key issues remaining in contention

- 3.3 At the conclusion of the hearing, the following key issues were identified by Mr Wesney his Reply statement as remaining in contention following the adjournment of the hearing:¹⁸

Key Issue 1: Māori Purpose Zone related definitions

Key Issue 2: Paper Road in relation to Land Locked Blocks

Key Issue 3: NZ Firefighting Water Supply Standard

Key Issue 4: Spatial Extent of the Māori Purpose Zone

- 3.4 At the hearing we heard from the following submitters:

- The Māori Trustee (s212)
- Ngati Te Ahuahu Hapū (s100)
- Papawai Ahu Whenua Trust (s235)
- Te Tini o Ngāti Kahukuraawhitia (s154)
- Tupurupuru (s150)
- Tupurupuru Ahuwhenua Trust (153)

- 3.5 We set out our evaluation of the above key issues in turn below.

Key Issue 1: Māori Purpose Zone related definitions

- 3.6 The Proposed District Plan included definitions for '*Papakāinga*' and '*Customary activities*' associated with the MPZ but did not include a definition for '*Māori Land*'.
- 3.7 One submitter¹⁹ sought a definition for 'Māori Land' to be included. However, as set out in **Decision Report 1** on Strategic Direction, (from Hearing Stream 1) the Panel determined that objective TW-O3 for Tangata Whenua chapter be amended to add reference to 'hapū and whānau' to be more inclusive of all owners of Māori land in Wairarapa. It is concluded in that Decision Report that this amendment addresses the concerns of the submitter. Notwithstanding the content of the Officer reports on Hearing Stream 1 the submitter followed up on this submission at Hearing Stream 4 dealing with the MPZ and hence we evaluate that submission immediately below.
- 3.8 We note that the term '*Māori Land*' is only referred to within the introductory text of the Subdivision and Māori Purpose Zone chapters and there are no associated provisions that refer to '*Māori Land*'.
- 3.9 Mr Wesney initially evaluated this matter in his s42A Report and concluded the recommended change subsequently made to the Strategic Objective TW-O3 to add reference to 'hapū and whānau' to make this objective more inclusive of all owners of Māori land in Wairarapa would appropriately address the concerns of the submitter and basis for seeking the addition of a definition of '*Māori land*' and therefore did not consider an additional definition was necessary.²⁰
- 3.10 However, at the hearing, Mr Shaw, for Te Tumu Paeroa - Māori Trustees provided a statement which raised concerns over Mr Wesney's alternative recommendation the use of 'hapū and whānau' stating "*that in this context unclear and will rely on an assessment by Council staff who will naturally defer to iwi registration or confirmation to establish this. Not only do those words not directly engage on ownership of Māori land but ignore that the sole source of truth to determine ownership in Māori freehold land is through Māori Land Court records. As such, the approach proposed in the Officer's report does not adequately*

¹⁸ Officer's Reply Statement, Māori Purpose Zone, prepared by Hamish Wesney, dated 11 November 2024

¹⁹ Māori Trustee (S212.010)

²⁰ S42A Report – MPZ, prepared by Hamish Wesney, Para 82-83, page 16, dated 14 October 2024

capture owners of Māori freehold land, who may comprise multiple whānau or hapū."²¹

- 3.11 The Panel raised further questions of Mr Wesley in relation to this matter and sought further investigation on the definition of Māori land and how it is applied in other District Plans, including the Matamata-Piako District Plan (Plan Change 54 Papakainga) and Te Tai o Poutini Plan (West Coast Combined District Plan).
- 3.12 Mr Wesley returned to this matter in his Reply Statement and extended his research further to other proposed plans.²² Based on the review of other Proposed District Plans, Mr Wesley concluded that the term '*Māori land*' is contained and applied in some but not all Proposed District Plan's. Only where those proposed plans included specific rules that referred to the term '*Māori land*' included a definition.
- 3.13 Therefore, Mr Wesley concluded that, as there are no associated rules that directly refer to '*Māori land*' with the PDP, including a definition of '*Māori land*' has no functional purpose.
- 3.14 The Panel also acknowledges that Mr Wesley informally met with representatives of Te Tumu Paeroa Māori Trustee on 2 December 2024 to better understand the basis for this request for a new definition.
- 3.15 Whilst the Panel appreciates that there may be a wider issue for the recognition of owners of Māori land, from a planning framework perspective, we agree with Mr Wesley's rationale that given there are no specific rules which refer to '*Māori Land*', a plan specific definition for such is not required from a functional perspective.
- 3.16 Therefore, we make no further evaluation on this matter and subsequently reject the relevant submission.

Key Issue 2: Paper Roads in relation to Land Locked Blocks

- 3.17 The Papawai Ahu Whenua Trust²³ sought that the Māori Purpose Zone is amended to include paper roads and landlocked land and noted that many of the Māori owned blocks included in the Māori Purpose Zone are land locked and involve the use of paper roads.²⁴
- 3.18 At the hearing, the Panel sought that further consideration be given to this matter.
- 3.19 Mr Wesley returned to this matter in his Reply Statement and cited that "*reasonable access may be granted in cases of landlocked Māori land under Section 326B of Te Ture Whenua Māori Act 1993 and there are other processes outside of the Resource Management Act and Te Ture Whenua Māori Act 1993, such as negotiations with landholders and creating access via Local Government Act 1974 rights of way*".²⁵
- 3.20 Whilst the Panel acknowledges that there may be sites which are zoned MPZ that are landlocked, this is not a precluding factor is whether they should be zoned MPZ.
- 3.21 The Panel considers the criteria and rationale for zoning is appropriately set out in the s32 Report in which the MPZ is applied to land which:
- i. Has a marae or urupa are located on it; and/or
 - ii. Is Māori Freehold Land and Māori Customary Land under the Te Ture Whenua Māori Act 1993

²¹Te Tuma Paeroa -Māori Trustee, Hearing Statement, Para 22, dated 8 November 2024

²²Reply Statement para 20-31, dated 11 November 2024

²³ Submission point S235.001

²⁴ S42A Report – MPZ, prepared by Hamish Wesley, para 223, page 36, dated 14 October 2024

²⁵ Reply statement – MPZ, prepared by Hamish Wesley, para 32, dated 11 November 2024

- 3.22 To note, the requirement to have access to an MPZ site was not listed as a factor/criterion in relation to the s32 evaluation of whether a site is zoned MPZ.
- 3.23 Mr Wesley canvassed a potential option to address this matter stating including policy direction in the subdivision provisions that recognise existing landlocked properties and to consider providing legal and physical access to these properties if and when adjoining properties are subdivided is a potential solution but would likely result in significant costs, which have not been explored.
- 3.24 The Panel accepts Mr Wesley's assessment of this matter that there reasonable access may be granted in cases of landlocked Māori land under Section 326B of Te Ture Whenua Māori Act 1993 and there are other processes outside of the Resource Management Act and Te Ture Whenua Māori Act 1993, such as negotiations with landholders and creating access via Local Government Act 1974 rights of way.²⁶
- 3.25 Therefore, the Panel does not consider that any further changes are required in relation to this matter and the submission is subsequently rejected.
- Key Issue 3: NZ Firefighting Water Supply Standard**
- 3.26 This matter initially arose through submission by Fire and Emergency New Zealand in relation to the Urban and Open Space Zone, **Hearing Stream 2**, in which the Panel directed expert conferencing on the matter of water supply²⁷.
- 3.27 Following on from this, the Panel issued **Minute 8**²⁸ in relation the water supply standards for firefighting contained in Standard MPZ-S6(3) that requires '*All new buildings must comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*'
- 3.28 In particular, the Panel sought confirmation whether the Māori Purpose Zone and General Rural Zone are the only zones to include this standard.²⁹
- 3.29 Mr Wesley responded to this through his Reply Statement and in addition to Ms Roberston's Supplementary Reply Statement³⁰. He advised that the standard in question is also included in the Subdivision Chapter, and the Natural Open Space, Open Space and Sport and Active Recreation Zones.
- 3.30 The Panel accepts the rationale for including this standard within the MPZ, in addition to other zones listed above Zones as notified in the Proposed District Plan and the rationale provided by Mr Westney that sites in these zones are reasonably likely to be without a reticulated water supply.
- 3.31 However, the substantive evaluation on this matter is dealt with in **Decision Report 2** and should be read in conjunction with this report.³¹
- 3.32 As no changes are recommended to Standard MPZ-S6, there is no determinative requirement from the Panel on this matter.

²⁶ Reply Statement: MPZ, para 32, updated

²⁷ Minute 5, dated 4 September 2024

²⁸ Minute 8 dated 1 November 2024

²⁹ Minute 8 dated 1 November 2024

³⁰ Supplementary Reply Statement: Minute 8, dated 17 January 2025

³¹ Decision Report 2: Hearing Stream 2: Urban and Open Space Zones, Section 2

Key Issue 4: Spatial Extent of the Māori Purpose Zone

- 3.33 As set out in the preamble in **Section 2** above, the Māori Purpose Zone was applied to land on which marae or urupā are located, Māori Freehold Land and Māori Customary Land under the Te Ture Whenua Māori Act 1993.
- 3.34 Further to the discussion set out in **Section 2** above, regarding the Councils' commitment to carry out a further Plan Change process on behalf of any land owners seeking to either remove or include land within the MPZ, this section sets out the rezoning requests raised in submissions relating to either land that is now being sought it be rezoned MPZ (as it wasn't included in the notified PDP) or land that was notified as MPZ and is seeking to be removed from the MPZ and rezoned General Rural Zone (GRUZ).
- 3.35 Two submitters³² sought land be rezoned from MPZ to GRUZ. One submitter sought that land notified to be zoned MPZ be rezoned GRUZ, refer to Table 1 below.
- 3.36 The Māori Trustee also submitted that on an urupā that may not have been zoned Māori Purpose Zone in the notified Proposed District Plan and sought whether there was scope to rezone this land Māori Purpose Zone.
- 3.37 These submitters and rezoning requests are listed below relating to Title 423034, legal description Akura 3C No 1A No 3 b. relating to various blocks of land listed in his submission.

Table 1: Specific rezoning requests for MPZ

Rezoning Site No:	Submitter Number	Site/s Description	Notified Zoning	Zoning Sought by submitter
1	s154	291 Waiohine Valley Road (Te Tini o Ngāti Kahukuraawhitia property)	GRUZ	MPZ
2	s224	Title 423034, legal description Akura 3C No 1A No 3 b.	MPZ	GRUZ
3	s73	26 land titles	MPZ	GRUZ

- 5.8 We evaluate each of the sites in **Table 1** in turn below.

³² William Gibb (S224.001) and Regan Potangaroa (S73.001)

Site 1: Request for rezoning from GRUZ to MPZ

- 3.38 The submitter³³ sought that their Waiohine Gorge Landblock at 291 Waiohine Valley Road be rezoned to Māori Purpose Zone. Refer to **Figure 1** below.

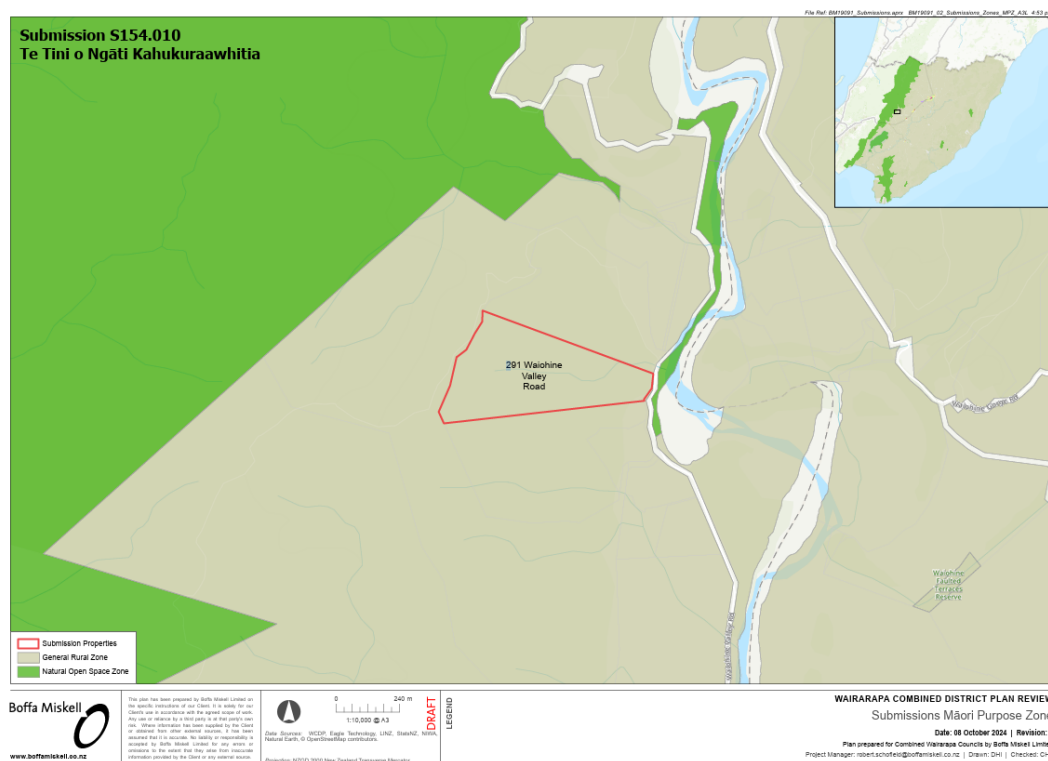


Figure 1: Area of land sought to be rezoned from GRUZ to MPZ

- 3.39 Whilst the submitter acknowledged that the site is not Māori Freehold Land or Māori Customary Land under the Te Ture Whenua Māori Act 1993. They have plans to build papakāinga and implement cultural initiatives for their whānau and uri of their hapū on the land.
- 3.40 Mr Wesney set out his findings on this matter in his s42A Report and stated that to assist his evaluation, discussions were held with representatives from Rangitāne o Wairarapa Inc and Ngāti Kahungunu ki Wairarapa Iwi Development Trust, which support the rezoning request.³⁴
- 3.41 On this basis and the recommendation of Mr Wesney, and the Councils' overall principle to 'opt-in' at this stage of the process through submission, the Panel accepts and adopts Mr Wesney's recommendation to rezone this site MPZ and the corresponding s32AA Evaluation.³⁵

Site 2: Request of rezoning from MPZ to GRUZ

- 3.42 The submitter³⁶ opposed the notified MPZ zoning of the land identified below in **Figure 2** and sought to be rezoned to GRUZ. To note, the property has land status of Māori Freehold Land.
- 3.43 Whilst Mr Wesney accepted that the rezoning request to GRUZ was appropriate given the surrounding rural zoning of the adjacent sites, he sought further information from the

³³ Te Tini o Ngāti Kahukuraawhitia (S154.010)

³⁴ S42A Report – MPZ, prepared by Hamish Wesney, paras 241, page 38, dated 14 October 2024

³⁵ S42A Report – MPZ, prepared by Hamish Wesney, paras 242-245, page 39 dated 14 October 2024

³⁶ Peter William Gibbs (S224.001)

submitter to confirm whether the submitter was acting on behalf of the owners of this property requesting this rezoning.³⁷

- 3.44 The Panel subsequently issued **Minute 11**³⁸ seeking the submitter provide evidence of the land ownership. On 19th December 2024, confirmation was provided by the submitters lawyers that the submitters/owners of the land were the only owners and provide evidence of the Record of Title 423034.³⁹
- 3.45 Whilst Mr Wesley did not provide an explicit recommendation on this matter on receipt of the landowner providing proof of ownership, the Panel determines that the area of land contained within Title 423034, legal description Akura 3C No 1A No 3 b be rezoned to GRUZ and that submission point S224.001 be accepted on the basis of Mr Wesley's initial assessment that it was appropriate given the surrounding zoning was also GRUZ.
- 3.46 In terms of a s32AA evaluation on this matter, the Panel's rationale to accept the submitters request to 'opt out' and 'downzone' is based on the Councils' overall position as set out in **Section 2(ii)** above. The Panel considers the risk of not retaining the MPZ zoning is low, given the level of development likely to occur within the next three years, given the Councils' commitment to carry out a specific Plan Change on MPZ land within this time where all qualifying land will be reassessed and further consultation with landowners be carried out.

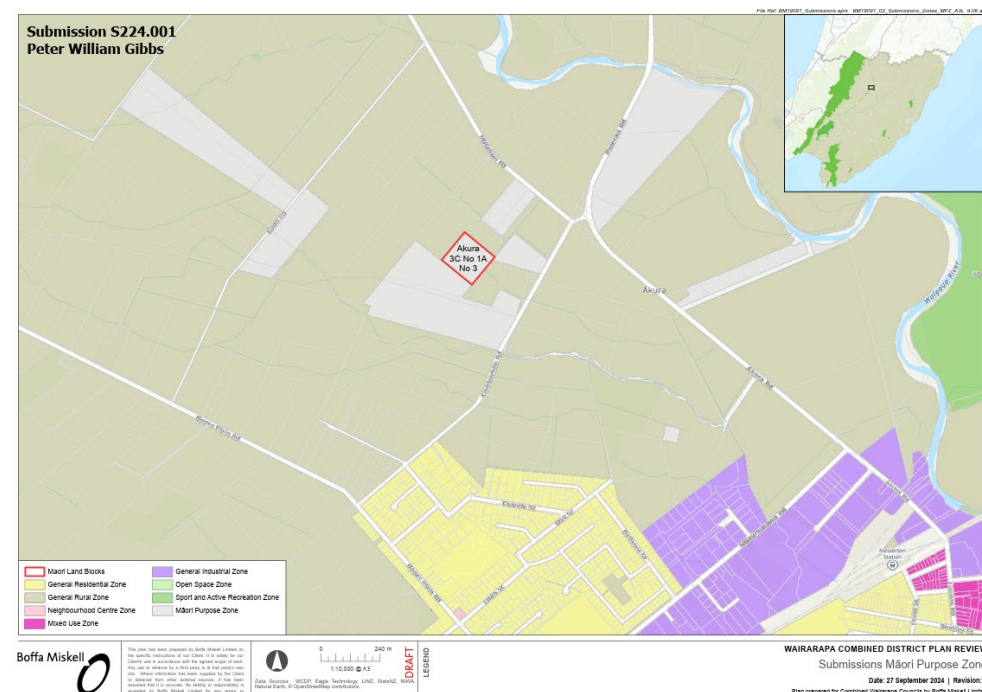


Figure 2: Area of land sought to be rezoned from MPZ to GRUZ

Site(s) 3: Request of rezoning from MPZ to GRUZ

- 3.47 The submitter⁴⁰ seeks that a total of 26 land titles that were notified as MPZ be deleted.
- 3.48 In a similar vein to **Site 2** above, Mr Wesley accepted that the rezoning request to GRUZ was appropriate given the surrounding rural zoning of the adjacent sites. However, Mr Wesley also sought confirmation from the submitter to ensure whether they were acting on

³⁷ S42A Report – MPZ, prepared by Hamish Wesley 232, page 38, dated 14 October 2024

³⁸ Minute 11, dated 10 December 2024 – Further Direction with Hearing 4 – Māori Purpose Zone

³⁹ https://drive.google.com/file/d/1_RxkveWHYe9C4dvs8tM9EnhR1fyHnfmC/view

behalf of the owners of these properties requesting this rezoning or whether they were the property owners of all 26 sites.⁴¹ The Panel formally requested this through Minute 11.⁴²

3.49 To date, the Panel have not received any formal response from the submitter on this matter.

3.50 Mr Wesley initially recommended that these sites retain their MPZ zoning until such time that such confirmation is received.⁴³ Given no further information has been received from the submitter in light of the Panel's request in Minute 11, the Panel accept and adopts Mr Wesley's recommendation to retain the MPZ zoning on this basis that the s32 Report criteria for the application of MPZ to these sites has been appropriately applied. The Panel therefore rejects this submission. However, it is noted that the owner will be provided another opportunity to seek alternative zoning for this land through the Councils' indication that a Plan Change process will occur within three years.

3.51 Furthermore, the Panel considers there is a higher risk of down zoning these sites from the notified MPZ, given there are a total of 26 titles involved, compared to the one site requested in **Site 2** above.

3.52 The Panel therefore accepts Mr Wesley's initial recommendation to retain the MPZ zoning and rejects this submission.

Additional Urupā site

3.53 The Māori Trustee submission sought an urupā site that was not included in the notified version should be zoned MPZ.

3.54 At the hearing, the Panel sought that the s42A officer follow up on this matter and whether there is scope for such a change.

3.55 Mr Wesley's Reply Statement addressed this matter and confirmed that urupā is not part of a block that is administered by the Māori Trustee and therefore not within the scope of their submission.

3.56 The Panel accepts that no further action on this matter is required and accordingly rejects this submission point.

⁴¹ S42A Report – MPZ, prepared by Hamish Wesley 232, page 38, dated 14 October 2024

⁴² Minute 11, dated 10 December 2024 – Further Direction with Hearing 4 – Māori Purpose Zone

⁴³ S42A Report – MPZ, prepared by Hamish Wesley 236, page 38, dated 14 October 2024

4. Overall Conclusions

- 4.1 For the reasons set out in the previous sections, we have determined a set of changes to the aforementioned chapters and provisions in the PDP.
- 4.2 Our amendments are shown in track change in the “decisions’ version of the provisions in **Appendix 3** and in ‘clean’ form in the ‘accepted’ version of the provisions in **Appendix 4**.
- 4.3 Overall, we find that these changes will ensure the PDP better achieves the statutory requirements and national policy directions and will improve its useability.